

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Federal Trade Commission,

Plaintiff,

v.

iBackPack of Texas, LLC, and
Douglas Monahan,

Defendants.

Case No. 3:19-cv-00160

Judge Jeffrey V. Brown

Magistrate Judge Andrew M. Edison

JOINT MOTION TO SUSPEND ALL DEADLINES

For the reasons set forth below, Plaintiff Federal Trade Commission (“FTC”), and Defendant Douglas Monahan respectfully request that the Court suspend all deadlines in this matter—including deadlines for summary judgment briefing that is already in progress—pending the likely submission to the Court of a proposed stipulated order that would resolve the FTC’s claim against Monahan.

Counsel for FTC and Defendant Monahan, appearing *pro se*, have negotiated a proposed Stipulated Order for Permanent Injunction and Monetary Judgment (“Proposed Final Order”), which has been reduced to writing and has been signed by Defendant Monahan. The Proposed Final Order has not yet been signed by the FTC, however, because settlements negotiated by FTC counsel must be reviewed by the five FTC Commissioners, who approve or reject all settlement recommendations in FTC cases by a

majority vote. This review process within the FTC can require upwards of six weeks. It is the practice of FTC counsel to recommend to the Commissioners only settlements that counsel believe are highly likely to be approved. Assuming approval is granted by the FTC Commissioners, the undersigned counsel will promptly sign the Proposed Final Order and submit it to the Court for its consideration.

By Order entered March 12, 2020, the Court suspended all other deadlines in this matter due, in substantial part, to “the uncertainty created by COVID-19.” (Dkt. 46 at 2.) COVID-19 continues to create uncertainty and disruptions, including the closing of FTC physical offices in Washington, DC. In light of the complications caused by COVID-19 and the high likelihood of an approved settlement, the parties respectfully request that the Court now (i) suspend all deadlines in this matter, including deadlines for summary judgment briefing that is already in progress, and (ii) direct the FTC to provide the Court with a status update in forty-five days, unless the Proposed Final Order has already been submitted to the Court.¹

Pursuant to Local Rule 7.1, the parties conferred on the relief sought by the motion, which is jointly supported.

A proposed order is submitted with this motion.

Respectfully submitted,

Dated: March 27, 2020

/s/ Patrick Roy
Patrick Roy, Attorney-in-Charge

¹ In the interim, the FTC will be filing the additional authority concerning its pending motion for default judgment against Defendant iBackPack of Texas, LLC, discussed at the telephonic hearing held on March 4, 2020. (Dkt. 37.)

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CERTIFICATE OF SERVICE

I, Patrick Roy, an attorney, hereby certify that on March __, 2020, I caused to be served true copies of the foregoing Motion for Leave to Exceed Page Limit through the CM/ECF System and by e-mail.

/s/ Patrick Roy
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